

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 31, 2007
SAN FRANCISCO, CALIFORNIA**

S047056**PEOPLE v. TAFOYA (IGNACIO
ARRIOLA)**

The petition for rehearing is denied.

S132605

C042448 Third Appellate District

**PEOPLE v. SLOAN (AARON
PATRICK)**

The petition for rehearing is denied.

S141502

B169805 Second Appellate District, Div. 5

**GENTRY (ROBERT) v. S.C.
(CIRCUIT CITY STORES, INC.)**

The petition for rehearing is denied.

Baxter, Chin, and Corrigan, JJ., are of the opinion the petition should be granted.

S117235**LEWIS (ROBERT) ON H.C.**

Order to show cause issued.

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before this court, when the matter is placed on calendar, why petitioner is not entitled to relief (1) as a result of trial counsel's failure to adequately investigate and present mitigating evidence at the penalty phase of petitioner's trial as alleged in Claims XIV, XV, and XVI of the petition, and (2) on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in Claim XVIII of the petition. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before November 30, 2007.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S155242

B182880 Second Appellate District, Div. 8

**CHRISTOFF (RUSSELL) v.
NESTLE USA, INC.**

Petition for review granted (civil case)

Votes: George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S155823 B189049 Second Appellate District, Div. 4 **PEOPLE v. MEDINA (JOSE JESUS)**

Petition for review granted (criminal case)

Respondent's petition for review is granted. Appellant Medina's petition for review is denied.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S155883 B183432 Second Appellate District, Div. 1 **PEOPLE v. THOMAS (DARRELL SEAN)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Scott*, S136498 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno and Corrigan, JJ.

S156100 B201254 Second Appellate District, Div. 7 **MALKENHORST (BRUCE VAN) v. S.C. (PEOPLE)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Stark v. Superior Court*, S145337 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S156297 D042623 Fourth Appellate District, Div. 1 **PEOPLE v. VASQUEZ (FERNANDO)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. French*, S148845 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S113371**SLAUGHTER (MICHAEL
COREY) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for a writ of habeas corpus, filed February 6, 2003, is denied. All claims are denied on the merits. With the exception of claims 37, 38, 40, 41, 42, 43, and 44, all claims are barred as untimely under *In re Robbins* (1998) 18 Cal.4th 770, and *In re Clark* (1993) 5 Cal.4th 750. In addition, claims 30, 31, 32, 34, and 36 (to the extent it applies to the second penalty phase) are denied on the ground they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225); and claims 27, 29, and 36 (to the extent that they rely on a second penalty phase jury questionnaire in the record) as well as claim 35 (to the extent it alleges error in closing off the first few spectator rows of the courtroom) are denied on the ground that they could have and should have been raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759).

S155439 A111602 First Appellate District, Div. 3**AVIATION DATA, INC. v.
AMERICAN EXPRESS TRAVEL
RELATED SERVICES
COMPANY, INC.**

Petition for review & depublication request(s) denied.

George, C. J. and Kennard, J. were recused and did not participate.

S155469 B200866 Second Appellate District, Div. 7**KENNEDY (EDWARD) ON H.C.**

Petition for review denied.

S155491 B182220 Second Appellate District, Div. 3**PEOPLE v. SARACOGLU
(ATTILA P.)**

Petition for review denied.

S155492 B191057 Second Appellate District, Div. 7**PARRIS (CYNTHIA) v. LOWE'S
HIW, INC.**

Petition for review denied.

The requests for an order directing publication in the opinion are denied.

Kennard, J., was recused and did not participate.

S155573 B192278 Second Appellate District, Div. 2**EPSTEIN (BARRY) v. BDO
SEIDMAN LLP**

Petition for review denied.

S155588 B196761 Second Appellate District, Div. 4

Petition for review denied.

MARROQUIN (MARCO) ON H.C.

S155603 A118663 First Appellate District, Div. 4

Petition for review denied.

DAVIS (MAURICE) ON H.C.

S155619 A116330 First Appellate District, Div. 1

Petition for review denied.

L. (P), IN RE

S155677 F050199 Fifth Appellate District

Petition for review denied.

PEOPLE v. SNYDER (FRANK)

S155681 C050757/C052481 Third Appellate District

Petition for review denied.

**LODUCA, JR. (VINCENT P.) v.
POLYZOS (GEORGE)**

S155686 A115485 First Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. MASALOSALO
(ROBERT P.)**

S155713 F050958 Fifth Appellate District

Petition for review denied.

**PEOPLE v. FLORES (JAMES
QUINCY)**

S155765 B199206 Second Appellate District, Div. 8

Petition for review denied.

SMITH (DANIEL H.) ON H.C.

S155768 G037329 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. CALLIRGOS (JULIO
CEASAR)**

S155809 G039052 Fourth Appellate District, Div. 3

Petition for review denied.

**SHURGARD STORAGE
CENTERS, INC. v. S.C. (DRAKE)**

S155821 H030224 Sixth Appellate District

Petition for review denied.

PEOPLE v. OLIVAS (MARLON)

S155844 A114146 First Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. SMALL (GERALD
KENNETH)**

S155846 B201058 Second Appellate District, Div. 3

Petition for review denied.

**MONROY (EDUARDO) v. S.C.
(PEOPLE)**

S155847 B188126 Second Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. HENDERSON
(DEWAYNE MIGUEL)**

S155861 A114933 First Appellate District, Div. 2

Petition for review denied.

C. (BYRON), IN RE

S155880 B184508 Second Appellate District, Div. 7

Petition for review denied.

**DOE (LYNN) v. LUSTER
(ELIZABETH)**

S155889 B187097 Second Appellate District, Div. 7

Petition for review denied.

PEOPLE v. TROTTER (RAMON)

S155893 C053098 Third Appellate District

v.

Petition for review denied.

**MORGAN CREEK RESIDENTIAL
KEMP (EARL S.)**

S155894	G036905 Fourth Appellate District, Div. 3	PEOPLE v. PERNA (DEBORAH ANN)
Petition for review denied.		
S155901	B192374 Second Appellate District, Div. 7	PEOPLE v. MEJIA (JUAN)
Petition for review denied.		
S155919	E039358/E041754 Fourth Appellate District, Div. 2	PEOPLE v. YASSIN (KHALID ALI)
Petition for review denied.		
S155932	H030022 Sixth Appellate District	PEOPLE v. SHUM (MICHAEL)
Petition for review denied.		
S155938	B182910 Second Appellate District, Div. 8	PEOPLE v. BRUMFIELD (ANTHONY RAY)
Petition for review denied.		
S155941	B192006 Second Appellate District, Div. 6	PEOPLE v. BRACAMONTES (BONIFACIO)
Petition for review denied.		
S155950	D048253 Fourth Appellate District, Div. 1	PEOPLE v. JONES (KENNETH WILLIAMS)
Petition for review denied.		
S155953	A112374 First Appellate District, Div. 5	PEOPLE v. RAPOSA (DOUGLAS KALANE)
Petition for review denied.		
S155982	F049220 Fifth Appellate District	PEOPLE v. TRUJILLO (ARNOLDO)
Petition for review denied.		

S155997 B191280 Second Appellate District, Div. 4
Petition for review denied.

PEOPLE v. HUA (TU LUONG)

S155998 A112837 First Appellate District, Div. 3
Petition for review denied.

PEOPLE v. MCKENZIE (BOBBY ANTOINE)

S156013 E043790 Fourth Appellate District, Div. 2
Petition for review denied.

PERROTTE (JEFFREY P.) ON H.C.

S156040 D050159 Fourth Appellate District, Div. 1
Petition for review denied.

DEPT. OF CORPORATIONS v. S.C. (ADAMS)

S156070 C051344 Third Appellate District
Petition for review denied.

O. (JULLIEN), IN RE

S156076 B200857 Second Appellate District, Div. 2
Petition for review denied.

MARIC COLLEGE, INC. v. S.C. (CROSS)

S156096 B189039 Second Appellate District, Div. 3
(DANIEL)
Petition for review denied.

PEOPLE v. GONZALES R.)

S156107 F049842 Fifth Appellate District
Petition for review denied.

PEOPLE v. SOLORZANO (JOSE L.)

S156122 H030713 Sixth Appellate District
Petition for review denied.

LE GRAND (CORBETT) ON H.C.

S156124 D051100 Fourth Appellate District, Div. 1
Petition for review denied.

ROGERS (TYRONE) ON H.C.

S156138 C056618 Third Appellate District

Petition for review denied.

**HIRSCHFIELD (RICHARD) v.
S.C. (PEOPLE)**

S156141 G036711 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. CARRERA (ARTURO
CARDENAS)**

S156145 B194885 Second Appellate District, Div. 5
Petitions for review & depublication request(s) denied.

G. (ZAMER), IN RE

S156151 B200512 Second Appellate District, Div. 2
Petition for review denied.

MORA (VICTOR) ON H.C.

S156200 B192348 Second Appellate District, Div. 1
Petition for review denied.

PEOPLE v. CASAS (RUDY A.)

S156210 A112816 First Appellate District, Div. 3

Petition for review denied.
Corrigan, J., was recused and did not participate.

**BARSHAK (JACKIE) v.
AMERICAN EQUITY
INSURANCE COMPANY**

S156218 C056523 Third Appellate District
Petition for review denied.

ARANDA (FERNANDO) ON H.C.

S156220 C056535 Third Appellate District
Petition for review denied.

ARANDA (FERNANDO) ON H.C.

S156225 A111448 First Appellate District, Div. 2

**NIESAR (KRISTEN H.) v.
ZANTAZ, INC.**

Petition for review denied.

The request for an order directing publication of the opinion is denied.

S156232 B192805 Second Appellate District, Div. 2

**PEOPLE v. O'DELL (RONNIE
LEE)**

Petition for review denied.

S156234 G037904 Fourth Appellate District, Div. 3

**PEOPLE v. SARABIA
(ROBERTO)**

Petition for review denied.

S156236 B190031 Second Appellate District, Div. 7

**LOS ANGELES, CITY OF v.
GLAIR (RICHARD J.)**

Petition for review denied.

S156243 G037473 Fourth Appellate District, Div. 3

**PEOPLE v. GOMEZ (EDGAR
OMAR)**

Petition for review denied.

S156258 A118903 First Appellate District, Div. 5

**COLLIER (TREMAYNE) ON
H.C.**

Petition for review denied.

S156259 B201320 Second Appellate District, Div. 3

**TIMMANN (SWARNAPALI) v.
S.C. (NAPOLI)**

Petition for review denied.

S156269 F051091 Fifth Appellate District

**ESSEX INSURANCE COMPANY
v. CITY OF BAKERSFIELD**

Petition for review & depublication request(s) denied.

S156283 B190206 Second Appellate District, Div. 5

Petition for review denied.

**PEOPLE v. VILLEGAS
(CHRISTIAN HORACIO)**

S156301 C048518 Third Appellate District

Petition for review denied.

**PEOPLE v. STULL (JAMES
CONRAD)**

S156330 B186764 Second Appellate District, Div. 7

Petition for review denied.

**VENEGAS (DAVID) v. COUNTY
OF LOS ANGELES**

S156332 B192371 Second Appellate District, Div. 3

The petition for review is denied.
Kennard, J., is of the opinion the petition should be granted.
Corrigan, J., is recused and did not participate.

**HALL (BLANCHE) v. TIME
WARNER, INC.**

S156361 A118422 First Appellate District, Div. 2

Petition for review denied.

**SINGLETON (DUANE A.) v. S.C.
(PEOPLE)**

S156363 A118673 First Appellate District, Div. 1

Petition for review denied.

**SINGLETON (DUANE A.) v. S.C.
(PEOPLE)**

S156376 B188407 Second Appellate District, Div. 7

Petition for review & depublication request(s) denied.

**MARLIN (FRIEDA) v. AIMCO
VENEZIA LLC**

S156388 B201382 Second Appellate District, Div. 8

Petition for review denied.

BANKS (RODNEY) ON H.C.

S156393 D051275 Fourth Appellate District, Div. 1
Petition for review denied.

HENDERSON (JOEL) ON H.C.

S156409 B186795 Second Appellate District, Div. 3
Petition for review denied.

PEOPLE v. MORGAN (BERT)

S156412 E043909 Fourth Appellate District, Div. 2

Petition for review denied.

**QUILALANG (ROGER WINSTON)
ON H.C.**

S156427 B187244 Second Appellate District, Div. 3
Petition for review denied.

PEOPLE v. OROZCO (HERNAN)

S156458 F052215 Fifth Appellate District
Petition for review denied.

R. (JOSEPH), IN RE

S156474 F052030 Fifth Appellate District

Petition for review denied.

**SOUZA (WILLIAM) v. DEL
MONTE FOODS COMPANY**

S156475 G037858 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. TRAN (ORLANDO
MICHAEL)**

S156490 A116453 First Appellate District, Div. 5

Petition for review denied.

**U.C. BERKELEY v. W.C.A.B.
(BARRAZA)**

S156516 B167214 Second Appellate District, Div. 4
Petitions for review denied.

PEOPLE v. LOPEZ (ANTHONY)

S156520 B193282 Second Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. COLLINS
(LADELDRICK)**

S156546 F051326 Fifth Appellate District

Petition for review denied.

Y. (C.), IN RE

S156554 B193378 Second Appellate District, Div. 5

Petition for review denied.

PEOPLE v. BRYAN (KEYANA)

S156556 B193788 Second Appellate District, Div. 6

Petition for review denied.

PEOPLE v. TUCKER (TAKIS)

S156562 B193833 Second Appellate District, Div. 8

Petition for review denied.

**PEOPLE v. HERNANDEZ
(CHRISTOPHER)**

S156567 B189483 Second Appellate District, Div. 7

Petition for review denied.

PEOPLE v. MORGAN (GARY B.)

S156572 H031944 Sixth Appellate District

Petition for review denied.

JUDGE (MARK) ON H.C.

S156574 C050240 Third Appellate District

Petition for review denied.

**PEOPLE v. VALLE (PABLO
CHINA)**

S156590 C053245 Third Appellate District
(JEFFREY)

Petition for review denied.

**PEOPLE v. DARNEAL
STEVEN)**

- S156592** H031791 Sixth Appellate District **PETERSON (GEORGE R.) ON H.C.**
Petition for review denied.
- S156599** C054307 Third Appellate District **PEOPLE v. BARTHOLOMEW (AMBER NATALIE)**
Petition for review denied.
- S156600** G037395 Fourth Appellate District, Div. 3 **PEOPLE v. REYES (ANDRES QUINONEZ)**
Petition for review denied.
- S156611** C051779 Third Appellate District **PEOPLE v. RUTHERFORD (BILLY JOE)**
Petition for review denied.
- S156623** B189114 Second Appellate District, Div. 5 **PEOPLE v. LOZA (MICHAEL ANTHONY)**
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Cross*, S139791.
- S156626** B189940 Second Appellate District, Div. 6 **PEOPLE v. YOUNG (RAY A.)**
Petitions for review denied
- S156629** F051165 Fifth Appellate District **PEOPLE v. NORIEGA (JOE ANGEL)**
Petition for review denied.
- S156631** B194468 Second Appellate District, Div. 1 **PEOPLE v. BRYANT (CLAY)**
Petition for review denied.
- S156632** B190556 Second Appellate District, Div. 3 **PEOPLE v. GARCIA (JOHN)**
Petition for review denied.

S156633 E039949 Fourth Appellate District, Div. 2

Petition for review denied.

PEOPLE v. SISNEROS (JOSEPH CARLOS)

S156635 B178509 Second Appellate District, Div. 8

Petition for review denied.

PEOPLE v. RATHBUN (MARK WAYNE)

S156637 E043853 Fourth Appellate District, Div. 2

Petition for review denied.

JOSEPH & PAULA MARTIN FAMILY LIVING TRUST v. S.C. (WARNER)

S156643 A113794 First Appellate District, Div. 1

Petition for review denied.

PEOPLE v. REDIC (LARRY)

S156644 C050877 Third Appellate District

Petition for review denied.

PEOPLE v. CALLAHAND (ISAAC)

S156646 A112244 First Appellate District, Div. 5

Petition for review denied.

PEOPLE v. DILLAHUNTY (GARY VIDEL)

S156647 E041094 Fourth Appellate District, Div. 2

Petition for review denied.

PEOPLE v. GUILLEN (ROBERT HERNANDEZ)

S156652 F050395 Fifth Appellate District

Petition for review denied.

PEOPLE v. VIDALES (DANIEL)

S156654 A115079 First Appellate District, Div. 5

Petition for review denied.

PETERSON (GLORIA) v. JOHN CRANE, INC.

S156661 B192124 Second Appellate District, Div. 6

Petition for review denied.

**PEOPLE v. MARINELLO
(SHELLEY)**

S156664 C047633 Third Appellate District
D.)

Petition for review denied.

PEOPLE v. BAILEY (DORIAN

S156681 F053507 Fifth Appellate District

Petition for review denied.

**KEEL II (JOE HOWARD) ON
H.C.**

S156683 C054642 Third Appellate District
Petition for review denied.

C. (A.), IN RE

S156684 A114476 First Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. ESCALANTE
(ANGELO)**

S156685 D049858 Fourth Appellate District, Div. 1
Petition for review denied.

PEOPLE v. SALGADO (ELISEO)

S156704 B186643 Second Appellate District, Div. 6
Petition for review denied.

PEOPLE v. SALIDO (RIGOBERTO)

S156705 H030232 Sixth Appellate District

Petition for review denied.

**PEOPLE v. HORTON (THOMAS
LEE)**

S156707 E039682 Fourth Appellate District, Div. 2
Petition for review denied.

PEOPLE v. CASTRO (DANNY)

S156719 B194744 Second Appellate District, Div. 6

Petition for review denied.

**PEOPLE v. BRILLON
(CHRISTOPHER)**

S156726 B202038 Second Appellate District, Div. 6

Petition for review denied.

**CHINAKOOL (MALINEE-
MARY) v. S.C. (PEOPLE)**

S156732 G037920 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. VIELE (MICHAEL
JOHN)**

S156733 H030814 Sixth Appellate District

Petition for review denied.

**PEOPLE v. FERNANDEZ
(WANDA JENETTE)**

S156736 D046947 Fourth Appellate District, Div. 1

Petition for review denied.

**WHELAN (LORRAINE &
STEPHEN D.), MARRIAGE OF**

S156751 C050044 Third Appellate District

Petition for review denied.

**PEOPLE v. SAECHAO (LIEW
YOON)**

S156756 A112495 First Appellate District, Div. 3

Petition for review denied.

PEOPLE v. JOHNSON (IYANA)

S156817 D048154 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. TROUTMAN
(RICHARD ALAN)**

S156822 E039557 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. DEVILLE
(GREGORY ALVEREZ)**

S156825 H030944 Sixth Appellate District

Petition for review denied.

H. (CECELIA), IN RE

S156847 C056819 Third Appellate District

Petition for review denied.

GANNER (LARRY) ON H.C.

S156902 G037338 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. PIRHADI
(ARMAGHAN ESTIFI)**

S156914 B193287 Second Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. PENNIMAN
(DARRELL)**

S156948 D048113 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. FULLBRIGHT
(NORMAN LIONEL)**

S157047 B200190 Second Appellate District, Div. 4

Petition for review and application for stay denied.

**EVANS (WAYNE T.) v. S.C.
(PEOPLE)**

S157049 B199140 Second Appellate District, Div. 3

Petition for writ of mandate/prohibition & stay denied.

**BRALEY (THOMAS D.) v. CA2
(PEOPLE)**

S146127

Petition for writ of habeas corpus denied.

VICTORIAN (DAVID) ON H.C.

S148506

Petition for writ of habeas corpus denied.

OCHOA (JORGE LUIS) ON H.C.**S148618****ON**

Petition for writ of habeas corpus denied.

**LANCASTER (DAVID GENE)
H.C.****S150526****ON**

Petition for writ of habeas corpus denied.

Respondent's request to file an exhibit under seal is granted. (Cal. Rules of Court, rule 2.550, subd. (a)(2); Cal. Code of Regs., tit. 15, § 3321, subds. (a)(1).)

**LANCASTER (DAVID GENE)
H.C.****S151651**

Petition for writ of habeas corpus denied.

(See *In re Waltreus* (1965) 62 Cal.2d 218.)**DEL TORO (STEVEN) ON H.C.****S152428**

Petition for writ of habeas corpus denied.

**CLARK (RUDOLPH CANTRELL)
ON H.C.****S152456**

Petition for writ of habeas corpus denied.

BREWER (MIKE) ON H.C.**S152687**

Petition for writ of habeas corpus denied.

**BARTHOLIC (RICHARD E.) ON
H.C.****S152850**

Petition for writ of habeas corpus denied.

PHILLIPS (CLAUDE) ON H.C.

S152915

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

MORGAN (BERNEL) ON H.C.**S152976**

Petition for writ of habeas corpus denied.

ALVAREZ (GUSTAVO) ON H.C.**S152993**

Petition for writ of habeas corpus denied.

**BLUE (SEXUAL SIN DE UN
ABDUL) ON H.C.****S153014**

Petition for writ of habeas corpus denied.

MARTIN (AARON P.) ON H.C.**S153024**

Petition for writ of habeas corpus denied.

**ANGUIANO, JR. (VINCENT) ON
H.C.****S153092**

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

MOON (RUDY) ON H.C.**S153096**

Petition for writ of habeas corpus denied.

MOORE (JOHNNIE) ON H.C.**S153144**

Petition for writ of habeas corpus denied.

JOHNSON (ANDRE) ON H.C.**S153151**

Petition for writ of habeas corpus denied.

LATSCHA (RUDY) ON H.C.

S153164**CLARK (RUDOLPH CANTRELL)
ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Dixon* (1953) 41 Cal.2d 756.)**S153246****HOLLIS (DENNIS) ON H.C.**

Petition for writ of habeas corpus denied.

S153254**FITE (ROBERT) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)**S153274****YOUNG (NORMAN) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**S153282****ON****CARDENAS (LUIS MANUEL)
H.C.**

Petition for writ of habeas corpus denied.

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S153289****MCGAREY (JACK) ON H.C.**

Petition for writ of habeas corpus denied.

S153298**AMMONS (ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Clark* (1993) 5 Cal.4th 750.)**S153313****GOMEZ (ARAMIS) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756.)

S153347

Petition for writ of habeas corpus denied.

LOPEZ (RICARDO) ON H.C.**S153364**

Petition for writ of habeas corpus denied.

**RAMIREZ (ADAM SALAS) ON
H.C.****S153393**

Petition for writ of habeas corpus denied.

**ANDERSON (KELVIN RAY) ON
H.C.****S153398**

Petition for writ of habeas corpus denied.

**CARTER (BRIAN JOHN) ON
H.C.****S153399****CLARENCE)**Petition for writ of habeas corpus denied.
(See *In re Clark* (1993) 5 Cal.4th 750.)**MINTON (WESLEY
ON H.C.****S153425**

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**THOMAS (ERIC) ON H.C.****S153441**

Petition for writ of habeas corpus denied.

**MERCADO (ALEJANDRO) ON
H.C.****S153442**Petition for writ of habeas corpus denied.
(See *In re Miller* (1941) 17 Cal.2d 734.)**NICHOLS (TONY) ON H.C.**

S153457

Petition for writ of habeas corpus denied.

PADILLA (ROLANDO) ON H.C.**S153461**

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**LAM (KHOANH) ON H.C.****S153464**

Petition for writ of habeas corpus denied.

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)**DAWSON (CARLOS) ON H.C.****S153503**

Petition for writ of habeas corpus denied.

(See *In re Miller* (1941) 17 Cal.2d 734.)**MERCADO (ALEJANDRO) ON H.C.****S153531****ON**

Petition for writ of habeas corpus denied.

**BOULDIN, JR. (WILLIAM L.)
H.C.****S153719**

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921, *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)**LAL (AZHAR) ON H.C.****S153793**

Petition for writ of habeas corpus denied.

MASON (GLENN) ON H.C.**S153798**

Petition for writ of habeas corpus denied.

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**LABRANCH (GARY WAYNE)
ON H.C.**

S153992**GRESHAM (MICHAEL A.) ON
H.C.**

Petition for writ of habeas corpus denied.

S154049**MACHADO (DELFINO) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)**S154090****JACKSON (STEPHEN) ON H.C.**

Petition for writ of habeas corpus denied.

S154668**WEIR (DUANE ROY) ON H.C.**

Petition for writ of habeas corpus denied.

S154775**MACHADO (DELFINO) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)**S155082****MC GEE (KONYOKA) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Dixon* (1953) 41 Cal.2d 756, 759.)**S155168****YOUNG (REBECCA) ON H.C.**

Petition for writ of habeas corpus denied.

S155298**MILLER, JR. (DONALD) ON
H.C.**

Petition for writ of habeas corpus denied.

S155301

Petition for writ of habeas corpus denied.
(See *In re Dexter* (1979) 25 Cal.3d 921.)

MACHADO (DELFINO) ON H.C.**S155517**

Petition for writ of habeas corpus denied.

ALVES (BRENT) ON H.C.**S155597**

Petition for writ of habeas corpus denied.

REED, JR. (ERNEST) ON H.C.**S155701**

Petition for writ of habeas corpus denied.

WILDY (MARK G.) ON H.C.**S155948**

Petition for writ of habeas corpus denied.

**EVERS (GEORGE JOHN) ON
H.C.****S156167**

Petition for writ of habeas corpus denied.
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

MARTIN (GEORGE) ON H.C.**S156173**

Petition for writ of habeas corpus denied.

RIOS (RENO FUENTES) ON H.C.**S156212**

Petition for writ of habeas corpus denied.

CONSIGLIO (SAM) ON H.C.**S156285**

Petition for writ of habeas corpus denied.
(See *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

CONTRERAS (RUBEN) ON H.C.

S156307**ROBINSON (JUANARD D.) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)**S156312****RESENDEZ (HOMER) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)**S156336****ROSENBERG (JEFFREY A.) ON H.C.**

Petition for writ of habeas corpus denied.

S156529**BARRIENTOS (CHRIS) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921.)**S156748****THOMAS (CHERYL D.) ON H.C.**

Petition for writ of habeas corpus denied.

S156749**VANN (OLIVER) ON H.C.**

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921.)**S156762****PAYNE (GERALD) ON H.C.**

Petition for writ of habeas corpus denied.

S156765**GONZALES (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied.

S156766

Petition for writ of habeas corpus denied.

NOTMAN (JEREMY) ON H.C.**S156783**

Petition for writ of habeas corpus denied.

RAMOS (VICTOR) ON H.C.**S156818**

Petition for writ of habeas corpus denied.

IBARRA (RAFAEL) ON H.C.**S156828**

Petition for writ of habeas corpus denied.

SANTIAGO (RICO JESUS) ON H.C.**S156873**

Petition for writ of habeas corpus denied.

ROBINSON (BRUCE) ON H.C.(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503.)**S156991**

Petition for writ of habeas corpus denied.

NWANDU (SUPERB O.) ON H.C.**S155541**

D049051 Fourth Appellate District, Div. 1

**VALENZUELA (LUIS A.) v.
CALIFORNIA STATE
PERSONNEL BOARD (DEPT. OF
CORRECTIONS & REHAB.)**

Depublication request denied (case closed).

S155974

D049878 Fourth Appellate District, Div. 1

**SAN DIEGO, CITY OF v.
W.C.A.B. (BROOKS)**

Publication request denied (case closed).

S156074

B194714 Second Appellate District, Div. 5

S. (JASMINE), IN RE

Depublication request denied (case closed).

S156241 B193906 Second Appellate District, Div. 1
Publication request denied (case closed).

O. (DAMON), IN RE

S156253 C051407 Third Appellate District

Depublication request denied (case closed).

**CORRALES (FAUSTO) v.
BRADSTREET (ANGELA)**

S155880 B184508 Second Appellate District, Div. 7

**DOE (LYNN) v. LUSTER
(ELIZABETH)**

The time for granting or denying review in the above-entitled matter is hereby extended to November 28, 2007.

S155893 C053098 Third Appellate District

**MORGAN CREEK
RESIDENTIAL v. KEMP (EARL
S.)**

The time for granting or denying review in the above-entitled matter is hereby extended to November 27, 2007.

S075727

**PEOPLE v. JOHNSON (CEDRIC
JEROME)**

Extension of time granted.

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's opening brief by February 1, 2008, counsel's request for an extension of time in which to file that brief is granted to December 31, 2007. After that date, only one further extension totaling about 32 additional days is contemplated.

S077166

**PEOPLE v. MCKINNON
(CRANDELL)**

Extension of time granted.

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's reply brief by August 31, 2008, counsel's request for an extension of time in which to file that brief is granted to December 31, 2007. After that date, only four further extensions totaling about 240 additional days are contemplated.

S093756**PEOPLE v. WILLIAMS (COREY
LEIGH)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 28, 2007.

S095076**PEOPLE v. PENUNURI
(RICHARD)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 28, 2007.

S099770**PEOPLE v. COOPER (LEON
CHAUNCEY)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to January 4, 2008.

S099844**PEOPLE v. RAMIREZ (JUAN
VILLA)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to December 26, 2007.

S123133

C040754 Third Appellate District

**PEOPLE v. BRENDLIN (BRUCE
EDWARD)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's supplemental answer brief is extended to December 5, 2007.

S147345

D046435 Fourth Appellate District, Div. 1

TOBACCO II CASES, IN RE

Extension of time granted.

Each party may then file an additional letter brief in response on or before December 10, 2007. On application of appellants and good cause appearing, it is ordered that the time for the parties to serve and file the simultaneous letter briefs is extended to November 26, 2007.

S149344 H028957 Sixth Appellate District**PRINCE (EVE) v. PACIFIC GAS
& ELECTRIC**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to amicus curiae brief is extended to November 29, 2007.

S151522**NUNEZ (ANTONIO DE JESUS)
ON H.C.**

Extension of time granted.

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the respondent's informal response is extended to November 9, 2007.

S152004**ANAYA (DOMINGO BUSTOS)
ON H.C.**

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to November 29, 2007.

S153062**SAAVEDRA (MICHAEL
ANTHONY) ON H.C.**

Extension of time granted.

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's informal response is extended to November 20, 2007.

S154847 H028798 Sixth Appellate District**PEOPLE v. NGUYEN (VINCE
VINTHUONG)**

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to December 10, 2007.

S155742 A114945 First Appellate District, Div. 4**SHEEHAN (DANIEL) v. THE
SAN FRANCISCO 49ERS LTD**

Extension of time granted.

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' opening brief on the merits is extended to December 12, 2007.

S156163**FREEMAN (FRED HARLAN) ON
H.C.**

Extension of time granted.

Good cause appearing, and based upon Supervising Deputy Attorney General Glenn R. Pruden's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by January 22, 2008, counsel's request for an extension of time in which to file that document is granted to December 21, 2007. After that date, only one further extension totaling about 30 additional days is contemplated.

S156506 B200917 Second Appellate District, Div. 8**PLUTH (MICHAEL) ON H.C.**

Extension of time granted.

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the petitioner's reply brief is extended to November 7, 2007.

S156682**WILLIAMS (GEORGE BRETT)
ON H.C.**

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to December 28, 2007.

S153917**PEOPLE v. DUFF (JAMES
EDWARD)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Tonja R. Torres, is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before 30 days from the date of this order.

S154280 B190650 Second Appellate District, Div. 7**PEOPLE v. MACKLIN
(RICHARD VERNAL)**

Counsel appointment order filed.

Upon request of appellant Richard Vernal Macklin for appointment of counsel, the California Appellant Project is hereby appointed to represent appellant on the appeal now pending in this court.

S154693 E040932 Fourth Appellate District, Div. 2 **PEOPLE v. SEPULVEDA
(RUBEN ABRAM)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Harry Zimmerman is hereby appointed to represent appellant on the appeal now pending in this court.

S154793 D050387 Fourth Appellate District, Div. 1 **PEOPLE v. CAESAR (MARCUS
TERELLE)**

Counsel appointment order filed.

Upon request of appellant Marcus Terelle Caesar for appointment of counsel, Doris M. Frizzell is hereby appointed to represent appellant on the appeal now pending in this court.

S154793 D050387 Fourth Appellate District, Div. 1 **PEOPLE v. CAESAR (MARCUS
TERELLE)**

Counsel appointment order filed.

Upon request of appellant Steven Christian Godbolt for appointment of counsel, John L. Dodd is hereby appointed to represent appellant on the appeal now pending in this court.

S154992 E040515 Fourth Appellate District, Div. 2 **PEOPLE v. GOMEZ
(ABRAHAM)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Leonard J. Klaif is hereby appointed to represent appellant on the appeal now pending in this court.

S155093 H025981 Sixth Appellate District **PEOPLE v. BROWN (JERMAINE)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Kim Malcheski is hereby appointed to represent appellant on the appeal now pending in this court.

S156008 A108492 First Appellate District, Div. 3 **PEOPLE v. AZAM (ZAMEER
RIAZ)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, J. Frank McCabe is hereby appointed to represent appellant on the appeal now pending in this court.

S156127**PEOPLE v. MACIAS (CELIA R.)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Courtney Selan is hereby appointed to represent appellant on the appeal now pending in this court.

S156327**PEOPLE v. ZUNIGA (EDWARD DONINIC)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Thomas M. Singman, is hereby appointed to represent appellant on the appeal now pending in this court.

S068863**PEOPLE v. SCOTT (DAVID LYNN)**

Order filed.

The order filed on October 25, 2007, is amended to read as follows: Good cause appearing, and based upon counsel Glen Niemy's representation that he anticipates filing the appellant's reply brief by March 31, 2008, counsel's request for an extension of time in which to file that brief is granted to January 4, 2008. After that date, only two further extensions totaling about 87 additional days are contemplated.

S143615

B182877 Second Appellate District, Div. 1

PEOPLE v. LOPEZ**(FERNANDO)**

The request for judicial notice filed on December 29, 2006, is denied.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name ROBERT JOSEPH AHERN, JR., 109212.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name LARRY EUGENE DISHON, #65646.

S154741**SUSPENSION DUES -
NONPAYMENT**

Order filed.

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name MARY CONSTANCE DOLKAS, #188227.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name RONALD FELDMAN, #42223.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name JAMES HORACE KINDEL, #17409.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name CROSS K. MOCERI, #205281.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name FRANK RENZI, JR., #27066.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name LEONARD JOSEPH SANTISI, #220303.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name GEORGE VLETAS, #38295.

S155677

F050199 Fifth Appellate District

**PEOPLE v. SNYDER (JEFFREY
FRANK)**

Order filed.

The time for granting or denying review in the above-entitled matter is hereby extended to November 29, 2007, or the date upon which review is either granted or denied. This order is entered nunc pro tunc as of October 30, 2007, due to clerical error.

S157191**HOLLYWOOD PARK LAND
COMPANY LLC v. S.C.
(GOLDEN STATE
TRANSPORTATION
FINANCING CORP.)**

Order filed.

The petition for writ of review is transferred to the Court of Appeal for the Third Appellate District.

S157479

D049331 Fourth Appellate District, Div. 1

**BRINKER RESTAURANT v. S.C.
(HOHNBAUM)**

Order filed.

At the request of the Court of Appeal, review is granted on this court's own motion. The cause is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its opinion and reconsider the matter as it sees fit. The petition for review is denied as moot. The requests for publication are denied as moot.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S157331 A118290 First Appellate District, Div. 2**SMITH (LAMONT DIVINE) v.
S.C. (PEOPLE)**

Transferred to CA 1.

for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S157473**MILLER (RICHARD) v. S.C.
(PEOPLE)**

Transferred to CA 2 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S157561**PEOPLE v. BRIDGES (HAROLD)**

Transferred to CA 2 for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S085747**GIRARDIN ON DISCIPLINE**

Probation modified.

Upon the effective date of this order, PHILIP J. GIRARDIN, State Bar No. 142664, is ordered in the above-entitled matter to commence complying with the new conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed March 23, 2006, in State Bar Court Case No. 06-PM-10697, except that any requirement that Philip J. Girardin comply with any new probation condition within 30 days from the effective date of discipline is deemed to require that Philip J. Girardin comply with such new condition within 30 days after the effective date of this order. It is further ordered that respondent comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* As to the costs previously awarded to the State Bar in the above-entitled matter, one-half of the costs are to be paid with membership fees for the years 2007 and 2008. It is further ordered that if Philip J. Girardin fails to pay any cost installment within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S155921**WEINER ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that STEVEN LEWIS WEINER, State Bar No. 87553 be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 9, 2007, as modified by its order filed June 28, 2007. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S155923**MINTZ ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that JEFFREY S. MINTZ, State Bar No. 113467, be suspended from the practice of law for six months and until he makes restitution to Noel Scott in the amount of \$10,000 (or to the Client Security Fund to the extent of any payment from the fund to Noel Scott, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 12, 2007. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if Jeffrey Mintz fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.